

ESTTA Tracking number: **ESTTA162345**

Filing date: **09/12/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Semore, Inc.
Granted to Date of previous extension	09/12/2007
Address	1437 S. Santee, #201 Los Angeles, CA 90015 UNITED STATES

Attorney information	I. Morley Drucker FULWIDER PATTON LLP 6060 Center Drive, 10th Floor Los Angeles, CA 90045 UNITED STATES docketla@fulpat.com Phone:310 824-5555
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Applicant Information

Application No	78596343	Publication date	05/15/2007
Opposition Filing Date	09/12/2007	Opposition Period Ends	09/12/2007
Applicant	Son, Yong Sik 1318 S. Garey Ave. Pomona, CA 91766 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Men's, Women's and Children's, pants, shirts, shorts, caps, visors, skirts, jackets, T-shirts, belts, hats, jerseys, tops, socks, anklets, bandannas, gloves, gowns, halter tops, head bands, wrist bands, swimwear, bathing caps, bathing trunks, bathrobes, beach cover-ups, beachwear, blouses, body suits, tank tops, ties, bras, underwear, coats, coveralls, cover-ups, dresses, vests, infant wear, jeans, jumpers, kilts, kerchiefs, coats, sweaters, leggings, leotards, lingerie, miniskirts, mittens, pajamas, panties, pantyhose, ponchos, pullovers, rainwear, robes, shoes, boots, sandals, and rompers
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2927554	Application Date	02/19/2004
Registration Date	02/22/2005	Foreign Priority	NONE

		Date	
Word Mark	SOLO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/00 First Use In Commerce: 2003/01/00 Clothing, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats		

U.S. Registration No.	2894466	Application Date	04/11/2003
Registration Date	10/19/2004	Foreign Priority Date	NONE
Word Mark	SOLO GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/00 First Use In Commerce: 2003/01/00 Women's clothing, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats		

U.S. Registration No.	2945667	Application Date	12/05/2003
Registration Date	05/03/2005	Foreign Priority Date	NONE
Word Mark	SOLO LIMITED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Clothing, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats		

U.S. Registration No.	2229414	Application Date	11/04/1996
Registration Date	03/02/1999	Foreign Priority Date	NONE
Word Mark	SOLO SEMORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/01/00 First Use In Commerce: 1998/01/00 clothing and sportswear, namely, jeans, pants, T-shirts, polo shirts, shirts, shorts, jackets, sweaters, socks, underwear, and hats		

Attachments	76576809#TMSN.gif (1 page)(bytes) 76505958#TMSN.gif (1 page)(bytes) 76563421#TMSN.gif (1 page)(bytes) NotOppSoloPlayer.pdf (13 pages)(250665 bytes)
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Signature	/Jennifer L. Webber/
Name	Jennifer L. Webber
Date	09/12/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:
Serial No.: 78/596343
Filed: March 28, 2005
Mark: SOLO PLAYER
Published: May 15, 2007
Applicant: Mr. Yong Sik Son

SEMORE, INC.

Opposer,

v.

YONG SIK SON,

Applicant.

Opposition No.

Attorney Docket No. :

NOTICE OF OPPOSITION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

To Commissioner of Trademarks:

Semore, Inc., a corporation organized and existing under the laws of California and having its business address at 1437 Santee Street, Suite 201, Los Angeles, California 90015, ("Opposer"), believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/596343 and hereby opposes same.

As grounds for this Notice, it is alleged upon information and belief that:

1. Opposer owns United States Trademark Registration No. 2,927,554 for SOLO for clothing and sportswear, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats. A true copy of the current registration certificate is attached hereto as Exhibit A.

2. Opposer owns United States Trademark Registration No. 2,894,466 for SOLO GIRL for women's clothing, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats. A true copy of the current registration certificate is attached hereto as Exhibit B.

3. Opposer owns United States Trademark Registration No. 2,945,667 for SOLO LIMITED for clothing, namely, jeans, pants, t-shirts, blouses, shorts, jackets, sweaters, coats, socks, undergarments, and hats. A true copy of the current registration certificate is attached hereto as Exhibit C.

4. Opposer owns United States Trademark Registration No. 2,229,414 for SOLO SEMORE for clothing and sportswear, namely, jeans, pants, T-shirts, polo shirts, shirts, shorts, jackets, sweaters, socks, underwear, and hats. A true copy of the current registration certificate is attached hereto as Exhibit D.

5. Opposer is the owner of all goodwill associated with the foregoing prior United States Trademark Registrations (collectively the "SOLO" Marks") with respect to Opposer's goods identified in paragraphs 1 through 4 above.

6. Since at least as early as 1998, Opposer has continuously used SOLO SEMORE, for the goods identified above, in interstate commerce.

7. Since at least as early as 2003, Opposer has continuously used the marks SOLO, SOLO GIRL, and SOLO LIMITED, for the goods identified above, in interstate commerce.

8. Each of these registrations has neither been canceled nor abandoned, and is valid and currently in full force and effect. Opposer also claims common law trademark rights in each of the SOLO Marks for the goods identified above.

9. Opposer has developed an exceedingly valuable goodwill with respect to its SOLO Marks. Opposer's SOLO Marks have become widely and favorably known throughout the United States and worldwide and have become recognized by the clothing industry and consumers of apparel as identifying and distinguishing Opposer as the source and origin of the goods identified above, bearing the SOLO Marks. These marks are very valuable to Opposer and any registration by Applicant of a confusingly similar mark will cause immediate and irreparable harm to Opposer.

10. Opposer has expended great effort and considerable expense in advertising, promoting, offering for sale and selling its goods under the SOLO Marks in the United States and elsewhere throughout the world.

11. Opposer is informed and believes, and on that ground avers that Mr. Yong Sik Son ("Applicant") is an individual doing business at 1318 S. Garey Ave. Pomona, California 91766.

12. Applicant seeks to register the mark SOLO PLAYER and filed an intent-to-use trademark application (No. 78/596343) on March 28, 2005 to register the mark for "Men's, Women's and Children's, pants, shirts, shorts, caps, visors, skirts, jackets, T-shirts, belts, hats, jerseys, tops, socks, anklets, bandannas, gloves, gowns, halter tops, head bands, wrist bands, swimwear, bathing caps, bathing trunks, bathrobes, beach cover-ups, beachwear, blouses, body

suits, tank tops, ties, bras, underwear, coats, coveralls, cover-ups, dresses, vests, infant wear, jeans, jumpers, kilts, kerchiefs, coats, sweaters, leggings, leotards, lingerie, miniskirts, mittens, pajamas, panties, pantyhose, ponchos, pullovers, rainwear, robes, shoes, boots, sandals, and rompers " in International Class 25.

13. Opposer's first use of the SOLO Marks, as well as the date of registration for each of the above-identified Federal Registrations is well prior to Applicant's filing of Application Serial No. 78/596,343 or any subsequent claimed first use of the SOLO PLAYER mark by Applicant.

14. Upon information and belief, the Class 25 goods specified in Applicant's SOLO PLAYER trademark application would be distributed through similar, if not identical, channels of trade and marketed under similar, if not identical, circumstances to the same or similar class of purchasers as the products marketed by Opposer under its SOLO Marks.

15. If the Applicant is permitted to use and register its SOLO PLAYER mark for the Class 25 goods specified in the application herein opposed, confusion in the clothing trade resulting in damage and injury to Opposer is likely to be caused and would result by reason of the similarity between Applicant's SOLO PLAYER mark and the Opposer's SOLO Marks. Persons familiar with Opposer's SOLO Marks would be likely to confuse clothing from Applicant as and for a product made and sold by Opposer. Any defect, objection or fault found with Applicant's goods marketed under the SOLO PLAYER mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its goods under its SOLO Marks.

16. If Applicant is granted the registration herein opposed, it would thereby obtain a least prima facie exclusive right to the use of its mark. Such registration would be a source of

damage and injury to the Opposer, including but not limited to, placing a cloud upon the right of Opposer to naturally expand use or registration of its SOLO Marks or other trademarks and service marks, to any other related goods or services not specifically defined within the above-identified Federal Registrations including those services identified in Serial No. 78/596,343.

17. By reason of the foregoing allegations, Opposer has the right to use and register trademarks and service marks which are believed to be confusingly similar to the SOLO mark sought to be registered by Applicant, and Opposer believes it will be damaged by registration of the mark shown in the opposed application.

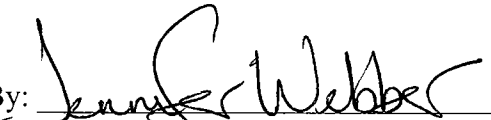
WHEREFORE, Opposer prays that registration of the mark shown in Application Serial No. 78/596,343 published on May 15, 2007 in the Official Gazette, for the International Class 25 goods specified therein, be refused and denied, and that this opposition be sustained.

Opposer hereby gives notice under Rule 2.122(d) of the Rules of Practice that after hearing and any appeal on this opposition proceeding, it will rely on its registrations which are annexed as exhibits to this Notice of Opposition as evidence in support of this Notice of Opposition.

Respectfully submitted,

Dated: September 12, 2007

FULWIDER PATTON LLP

By: 

I. Morley Drucker
Jennifer L. Webber
Attorneys for Opposer

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Los Angeles, California 90045
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EXHIBIT A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,927,554

Registered Feb. 22, 2005

**TRADEMARK
PRINCIPAL REGISTER**

SOLO

SEMORE INC. (CALIFORNIA CORPORATION)
1437 S. SANTEE, SUITE 201
LOS ANGELES, CA 90015

FIRST USE 1-0-2003; IN COMMERCE 1-0-2003.

OWNER OF U.S. REG. NO. 2,229,414.

FOR: CLOTHING, NAMELY, JEANS, PANTS, T-SHIRTS, BLOUSES, SHORTS, JACKETS, SWEATERS, COATS, SOCKS, UNDERGARMENTS, AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

SER. NO. 76-576,809, FILED 2-19-2004.

RONALD MCMORROW, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,894,466

Registered Oct. 19, 2004

**TRADEMARK
PRINCIPAL REGISTER**

SOLO GIRL

SEMORE INC. (CALIFORNIA CORPORATION)
1437 S. SANTEE, SUITE 201
LOS ANGELES, CA 90015

OWNER OF U.S. REG. NO. 2,229,414.

FOR: WOMEN'S CLOTHING, NAMELY, JEANS,
PANTS, T-SHIRTS, BLOUSES, SHORTS, JACKETS,
SWEATERS, COATS, SOCKS, UNDERGARMENTS,
AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE GIRL, APART FROM THE MARK
AS SHOWN.

SER. NO. 76-505,958, FILED 4-11-2003.

FIRST USE 1-0-2003; IN COMMERCE 1-0-2003.

JOHN DWYER, EXAMINING ATTORNEY

EXHIBIT C

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,945,667

Registered May 3, 2005

**TRADEMARK
PRINCIPAL REGISTER**

SOLO LIMITED

SEMORE INC. (CALIFORNIA CORPORATION)

1437 S. SANTEE, #201

LOS ANGELES, CA 90015

FOR: CLOTHING, NAMELY, JEANS, PANTS, T-SHIRTS, BLOUSES, SHORTS, JACKETS, SWEATERS, COATS, SOCKS, UNDERGARMENTS, AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-2003; IN COMMERCE 8-0-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE LIMITED, APART FROM THE MARK AS SHOWN.

SER. NO. 76-563,421, FILED 12-5-2003.

JENNIFER MARTIN, EXAMINING ATTORNEY

EXHIBIT D

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,229,414

United States Patent and Trademark Office

Registered Mar. 2, 1999

**TRADEMARK
PRINCIPAL REGISTER**

SOLO SEMORE

**SEMORE, INC. (CALIFORNIA CORPORATION)
1437 S. SANTEE ST. #201
LA, CA 90015**

**FIRST USE 1-0-1998; IN COMMERCE
1-0-1998.**

**FOR: CLOTHING AND SPORTSWEAR,
NAMELY, JEANS, PANTS, T-SHIRTS, POLO
SHIRTS, SHIRTS, SHORTS, JACKETS, SWEAT-
ERS, SOCKS, UNDERWEAR, AND HATS, IN
CLASS 25 (U.S. CLS. 22 AND 39).**

SN 75-192,763, FILED 11-4-1996.

**JENNIFER MCGARRY, EXAMINING ATTOR-
NEY**